

1944.

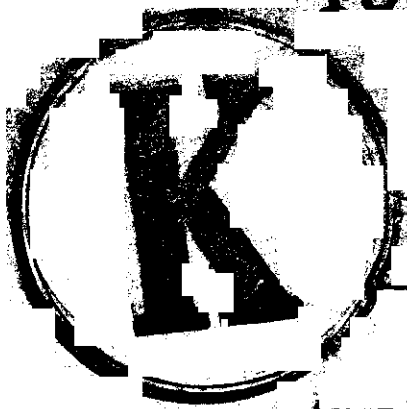
File No. B. Municipality
Corporation

Legal Department

(Extension of Term) 44

B

BRANCH



Subject:—

A bill to amend the City of
Bombay Municipal Corporation
(Extension of Term) Act, 1941
(Amendment of Section 18)
Governor Bill No. IX of 1944

Bom. Act. No. IX of 1944

E
Page 7
1944

File No. B. Municipality Corporation (Extension of Term) 44

Gen. 194 e.

IX 09-B.

Office of the R.L.A.

The draft Bill at page 225 and the draft statement at page 223, as slightly amended, are in order.

2. Under executive instructions the Bill requires the previous concurrence of the Governor General before enactment. The subject matter of the Bill falls under entry No.13 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. Since the Bill does not relate to any entry in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935, or paragraph (2) of the Proclamation.

Id/- P.N.M.

20/3/44.

Remembrancer of Legal Affairs.

U.R. to G.D., No.2110, dated the 20th March 1944.

RHB.

13.7.

24/7

GOVERNOR'S BILL NO.

OF 1944.

A Bill to amend the City of Bombay Municipal Corporation (Extension of Term) Act, 1941.

Bom. I of 1941.

WHEREAS it is expedient to amend the City of Bombay Municipal Corporation (Extension of Term) Act, 1941, for the purpose hereinafter appearing;

26 Geo. 5, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:-

Short title.

1. This Act may be called the City of Bombay Municipal Corporation (Extension of Term Amendment) Act, 1944.

Amendment of
section 1 of
Bom. I of 1941.

2. In sub-section (2) of section 1 of the City of Bombay Municipal Corporation (Extension of Term) Act, 1941 (hereinafter called "the said Act"), for the figures "1945" the figures "1947" shall be substituted.

Amendment of
section 2 of
Bom. I of 1941.

3. In section 2 of the said Act, for the figures "1945" the figures "1947" shall be substituted.

STATEMENT.

The term of office of the Municipal Corporation of the City of Bombay was due to expire on 1st April 1942. It was then extended for further periods till the 1st April 1945. It is now proposed that it should be extended for a further period of two years, i.e. till the 1st April 1947. Bombay Act XIII of 1938 provides that the elections to the Municipal Corporation of the City of Bombay should be held from 1942 onwards on the basis of adult franchise. The existing provisions in the City of Bombay Municipal Act, 1888, in regard to qualifications of voters, preparation of electoral rolls, conduct of elections and limits of electoral divisions are, however, based on a restricted franchise and they, therefore, need to be amended in order to make them suitable for the introduction of adult franchise. A draft Bill embodying the necessary amendments in the Act was accordingly published on 27th December 1943. Objections received to it show that there is considerable apprehension in the mind of the public, and especially of the minority communities as ~~xx~~ regarding elections based on the new system. The measure introducing adult franchise was passed in the time of the Congress Ministry in 1938 after a full debate in the Legislative Assembly and the present Government is loth to reverse or delay the policy then initiated. Government, however, considers that as this measure, passed in peace time, is a far-reaching innovation and a political experiment, the proper time to introduce it will be when conditions become again more normal; it is convinced that elections in thirtyfour polling stations, with

an ~~enormous~~ enormous increase in the number of voters exercising the franchise, based on a population figure greatly swollen by war conditions, are bound to cause dislocation in the life of the City, and that too at a time when the war potential of India may be at its maximum, and the importance of Bombay in relation to the country's war effort greater than ever before. Government has, therefore, decided that general elections to the Municipal Corporation of the City of Bombay on the basis of adult franchise should be postponed for the present. A possible alternative would be to hold the elections now on the old 5 rupees franchise; but this would involve the repeal of Bombay Act XIII of 1933, which was passed by an elected Ministry, and Government has no wish to repeal this Act. Government has, ~~therefore~~ therefore, ~~expressly~~ decided that the elections to the corporation should not be held in the City of Bombay at present and that the term of the corporation should be extended for a further period of two years.

No. 1-L
Legal Department,
Bombay Castle, 1st June 1944.

From

P.H. Moos, Esquire, Barr-at-Law, I.C.S.
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Municipal
Corporation (Extension of term) Act, 1941

Sir,

With reference to your memorandum No.201(514) dated the 18th April 1944 addressed to the general department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the bill to amend the Bombay Municipal Corporation (Extension of Term) Act, 1941, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject matter of the Bill falls under entry No.13 in the Provincial Legislative list in the Seventh Schedule to the Government of India Act, 1935. Since the Bill does not relate to any entry in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935, or paragraph (2) of the Proclamation.

4. The date ~~now~~ on which His Excellency the Governor's assent is given may kindly be entered in the end document.

5. I also forward herewith one spare copy of the Bill.

1
Your Obedient servant,

Id/- P.N.M.

1/6/44

Secretary to the Government of Bombay,
Legal Deptt.

Through:-

The Secretary to the Government of Bombay, General
Department.

RHB.

13.7.

No.201(51)
Office of the Governor's Secretary,
Government House,
Ganeshkhind, 10th June 1944.

From

D. Symington, Esquire, CIE.ICS.
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department, Bombay.
~~Subject~~

Subject:- The City of Bombay Municipal
Corporation (Extension of Term,
Bill, 1944.

Sir,

With reference to your letter No.1-L, dated the 1st June 1944, on the above subject, I am directed to return herewith the copy of the City of Bombay Municipal Corporation (Extension of Term) Bill, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Yours obedient servant,

Secretary to the Governor of
Bombay.

RHB.
13.7.

Acts:

Publication of the City of Bombay
Municipal Corporation (Extension of
Term) (Amendment) Act, 1944.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 4202

Bombay Castle, 15th June 1944.

Letter to the Secretary to the Governor, NO-I-L,
dated the 1st June 1944.

Letter from the Secretary to the Governor, No.201
(51), dated the 10th June 1944.

"With reference to your letter No.I-L, dated the 1st June 1944, on the above subject, I am directed to return herewith the copy of the City of Bombay Municipal Corporation (Extension of Term) Bill, 1944 prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION.- The law should be published as Bombay Act No.IX of 1944, in the Bombay Government Gazette ~~and~~ dated the 15th June 1944.

2. The Act should be translated into Marathi, Gujarati and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,

Id/- S.I. CHANDANI.

(P.N. MOON,

For Secretary to Government.

To

The Manager, Government Central Press, Bombay
(with a copy of the Act and with a request that
15 Gazette copies of the Act may be forwarded to
the Legal Department.),
The General Department,
The Oriental Translator to Government,
The Secretary to the Bombay Legislative Council
The Secretary to the Bombay Legislative
Assembly.

with a copy of the Act.



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 15TH JUNE 1944.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGES
BOMBAY ACT No. IX OF 1944—An Act to amend the City of Bombay Municipal Corporation (Extension of Term) Act, 1941	136-137

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 9th June 1944 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. IX OF 1944.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 15th June 1944.)

An Act to amend the City of Bombay Municipal Corporation (Extension of Term) Act, 1941.

Bom. 1 of
1941.

WHEREAS it is expedient to amend the City of Bombay Municipal Corporation (Extension of Term) Act, 1941, for the purpose hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the City of Bombay Municipal Corporation (Extension of Term) (Amendment) Act, 1944. Short title.

Amendment
of section 1
of Bom. I of
1941.

2. In sub-section (2) of section 1 of the City of Bombay Municipal Corporation (Extension of Term) Act, 1941 (hereinafter called "the said Act"), for the figures "1945" the figures "1947" shall be substituted.

Amendment
of section 2
of Bom. I of
1941.

3. In section 2 of the said Act, for the figures "1945" the figures "1947" shall be substituted.

STATEMENT.

The term of office of the Municipal Corporation of the City of Bombay was due to expire on 1st April 1942. It was then extended for further periods till the 1st April 1945. It is now proposed that it should be extended for a further period of two years, i.e., till the 1st April 1947. Bombay Act XIII of 1938 provides that the elections to the Municipal Corporation of the City of Bombay should be held from 1942 onwards on the basis of adult franchise. The existing provisions in the City of Bombay Municipal Act, 1938, in regard to qualifications of voters, preparation of electoral rolls, conduct of elections and limits of electoral divisions are, however, based on a restricted franchise and they, therefore, need to be amended in order to make them suitable for the introduction of adult franchise. A draft Bill embodying the necessary amendments in the Act was accordingly published on 27th December 1943. Objections received to it show that there is considerable apprehension in the mind of the public, and especially of the minority communities as regards elections based on the new system. The measure introducing adult franchise was passed in the time of the Congress Ministry in 1938 after a full debate in the Legislative Assembly and the present Government is loth to reverse or delay the policy then initiated. Government, however, considers that as this measure, passed in peace time, is a far-reaching innovation and a political experiment, the proper time to introduce it will be when conditions become again more normal: it is convinced that elections in thirty-four polling stations, with an enormous increase in the number of voters exercising the franchise, based on a population figure greatly swollen by war conditions, are bound to cause dislocation in the life of the City, and that too at a time when the war potential of India may be at its maximum, and the importance of Bombay in relation to the country's war effort greater than ever before. Government has, therefore, decided that general elections to the Municipal Corporation of the City of Bombay on the basis of adult franchise should be postponed for the present. A possible alternative would be to hold the elections now on the old 5 rupees franchise; but this would involve the repeal of Bombay Act XIII of 1938, which was passed by an elected Ministry, and Government has no wish to repeal this Act. Government has, therefore, decided that the elections to the corporation should not be held in the City of Bombay at present and that the term of the corporation should be extended for a further period of two years.

True copy - Original papers being of bad quality - Destroyed."

K. B. Lakkar
Superintendent,

D Branch, Legal Department